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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,738	08/22/2001	Ingo Molnar	019322-000340	9016
24239 7590 04/19/2007 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			EXAMINER CHOUDHURY, AZIZUL Q	
			ART UNIT	PAPER NUMBER
			2145	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/934,738

Applicant(s)

MOLNAR, INGO

Examiner

Azizul Choudhury

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on March 13, 2007.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 5-6, 9-11 and 13-14 continue to be rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is issued on the phrases "dynamic protocol object" and "static protocol object." The applicant contends that an "object" is well known in the art and that "protocols" are well known in the art. The examiner agrees that both the term "object" and "protocols" are well known in the programming and networking arts, respectively. Objects are open to interpretation within the networking art (e.g. A network object could be a node or it could be an instance of a program class). The applicant then contends that since objects and protocols are well known, that "dynamic protocol objects" and "static protocol objects" are well known as well then. The examiner strongly disagrees with this assertion. The terms are not deemed standard and are not considered well known in the art. The examiner could find no evidence of what "dynamic protocol object" and "static protocol objects" are. The examiner has searched the specifications (including the cited paragraphs 9, 10, 11, 27 and 28). The specifications merely discuss the storage and transfers of "dynamic protocol objects" and "static protocol objects." The specifications

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however fail to define what “dynamic protocol objects” and “static protocol objects” are. Furthermore, if the terms are well known, it is requested that the applicant submit definitions from reliable sources to resolve the issue.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by
Challenger et al (US Pat No: 6,256,712), hereafter referred to as Challenger.

1. With regards to claims 1, 5, 9 and 11, Challenger teaches in a communication server, a method of responding to a client application, the method comprising the steps of: a cache disposed in an operating system kernel (column 5, lines 41-67, Challenger); receiving from the client application an application protocol request corresponding to a response that can be displayed as a combination of a dynamic protocol object and a static protocol object (column 2, line 56 – column 3, line 5 and column 13, lines 57-62, Challenger); creating at the server the dynamic protocol object (column 2, lines 55-66 and column 13, line 65 – column

14, line 8, Challenger); sending the dynamic protocol object to the client application (column 28, lines 46-58, Challenger); retrieving the static protocol object from a cache disposed in an operating system kernel (column 13, line 57 – column 14, line 22, Challenger); and sending the static protocol object to the client application (column 28, lines 46-58, Challenger. Challenger discloses a design enabling the updating content within a server so that updated content is submitted to the client. The design allows for current copies of both dynamic and static data (objects) to be cached within the server (column 2, lines 5-8, Challenger). The cached data (objects) is consistently updated (column 2, lines 54-55, Challenger). When required, the data (objects) are dynamically rebuild the objects and provide the client with updated content (column 2, line 53 – column 3, line 34, Challenger). Finally, the use of a cache/buffer/registry within an operating system of a computer is inherent).

2. With regards to claims 2, 6, 10, 13 and 14, Challenger teaches the method wherein the cache disposed within the operating system kernel is a protocol object cache (Challenger's design allows for caches (column 2, lines 5-8, Challenger) (column 5, lines 51-52, Challenger)).
3. With regards to claims 3, 4, 7, 8 and 12, Challenger teaches the method wherein the application protocol request and the reply are formatted according to a

hypertext transmission protocol (HTTP) (Challenger's design allows for HTTPD (Figure 30A, Challenger). Hence, HTTP is supported).

Remarks

The amendment received on March 13, 2007 has been carefully examined but is not deemed fully persuasive. The following are the examiner's response to the applicant's contentions.

The first point of contention involves the 101-type rejection. In lieu of the claim amendments, the 101-type rejection has been withdrawn.

The second point of contention involves the 112-type rejection. The applicant reiterates that terms "dynamic protocol object" and "static protocol object" are standard terms and are well known in the computer programming art. The examiner disagrees with this assertion. The terms are not deemed standard and are not considered well known in the art. The applicant also states that by reading the specifications, one skilled in the art would easily understand the meaning of "dynamic protocol object" and "static protocol object." Again, the examiner disagrees with the applicant's assertion. The specifications do not define "dynamic protocol object" nor do they define "static protocol object."

The third point of contention involves the 102-type rejection. The applicant contends that the prior arts do not teach all the claim limitations, one of which is, "response that can be displayed as a combination of a dynamic protocol object and a static protocol object." The Challenger art teaches the updating of websites when the

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cached content is no longer valid. The updated website data is held within various software objects. The fact that a website is updated inherently means that the updated data can be viewed (column 2, line 51 – column 3, line 34, Challenger). Plus the updates are made possible through the various objects used in the design (column 9, line 60 – column 10, line 47, Challenger).

Based on the broad claim language, the examiner attempted to provide the applicant with pages and line numbers citing along with explanations to illustrate why the prior art was pertinent. It is still not known what “dynamic protocol objects” and “static protocol objects” are and hence it is difficult to fully understand what the applicant’s claimed invention is. However, the prior art applied is believed to be pertinent to the best of the examiner’s understanding of the invention, without knowing fully what “dynamic protocol objects” and “static protocol objects” are. It is the responsibility of the applicant to read the prior art to attain a literal understanding of the design and to also attain an understanding of the spirit of the design. To expedite the prosecution of the case though, the examiner has cited portions of the prior art for individual claim features within the independent claims. The applicant should note that the cited portions are not the sole teachings of each of the claimed features within the prior art. The cited portions are provided to further illustrate the teachings of the claimed features within the prior art.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC


JASON CARDONE
SUPERVISORY PATENT EXAMINER